

**MINUTES OF THE MEETING OF THE COMMON COUNCIL OF THE CITY OF CUDAHY,
HELD AT THE CUDAHY MUNICIPAL BUILDING, 5050 S. LAKE DR.
MILWAUKEE COUNTY, WISCONSIN
*Tuesday, August 3, 2010***

ROLL CALL

Mayor Anthony Day called the meeting to order at 7:15 PM. The following answered, "present" to the roll call: Council Members Mikolajczak, Schissel, Otto, Litkowiec and Bartoshevich. Also in attendance: Clerk/Treasurer Broderick, Comptroller Williamson, Dir. of Econ. Dev. Fritts, Police Chief Poellot, Captain Kraker, Battalion Chief Kolosovsky, Dir. Office Ser. Toms-Neary, Director of DPW Lange and City Attorney Eberhardy.

MEETING STATEMENT

The proper open meeting statement was read at this time.

- Tim Braden 5960 S. Swift Avenue spoke regarding flooding and inappropriate comment made to him by staff.
- Debby Orlando of 2829 E. Eaton Ln. spoke regarding her sewer backup and requested a meeting with the City and affected residents.

ADOPTION OF MINUTES:

MOTION MADE BY ALD. MIKOLAJCZAK, SECOND BY ALD. SCHISSEL to approve the following minutes as listed. Motion carried unanimously.

1. Minutes of the Public Hearing held July 6, 2010.
2. Minutes of the Personnel Committee meeting held July 6, 2010.
3. Minutes of the Rules, Laws & License Committee held July 7, 2010.
4. Minutes of the Traffic and Safety Commission held July 21, 2010.
5. Minutes of the Board of Public Works held June 28, 2010.
6. Minutes of the Board of Health meeting held May 25, 2010.
7. Minutes of the Water Utility Commission held April 22, 2010.
8. Minutes of the Cudahy Family Library Board held June 3, 2010.

APPROVAL OF CLAIMS

MOTION BY ALD. SCHISSEL, SECOND BY ALD. BARTOSHEVICH to approve claims in the amount of \$796,620.41 pending clarification of the \$210.00 claim for Ryan McCue dated June 30, 2010. Motion carried unanimously.

MOTION BY ALD. SCHISSEL, SECOND BY ALD. MIKOLAJCZAK to approve claims in the amount of \$444,030.83 dated July 31, 2010. On the roll call vote, motion carried unanimously.

NEW BUSINESS

1. Discussion and appropriate action regarding approval of contract with Pierce Manufacturing Inc. for purchase of new fire engine. **MOTION BY ALDERPERSON MIKOLAJCZAK, SECOND BY ALD. LITKOWIEC** to approve. On the roll call vote, motion carried unanimously.
2. Discussion and appropriate action regarding acceptance and disposal of electronic equipment – "e-waste". DPW Director Lange explained that electronic waste will be banned as a solid waste and will have to be recycled. In an effort to comply with the

law and not ban residents from disposing of these items, she requested that a contract be entered into with Materials Processing Co. for the collection and disposal of e-waste at the City's transfer site. There currently is no charge for this program. She stated that City staff will be preparing pamphlets to hand out at the transfer station with information and encouraging residents to dispose of old electronic waste when purchasing new, or to drop it off at a Good Will drop off site. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH** to approve contracting for the collection. Motion carried unanimously.

3. Discussion and appropriate action regarding installation of a storm sewer system in the alley in the 3800 block of E. Squire Ave. DPW Director Lange explained that a storm sewer was placed between two private properties back in the 30's or 40's and the storm sewer is approximately 5' from the foundation of one of the houses which is an encumbrance to the home. Would like to place a storm sewer down the alley and abandon the one in the yard. There is money in the storm water utility account with the approximate cost being \$15,000 to \$20,000. She also stated that it will help with the draining. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH** to approve storm sewer installation in the alley between Barnard and Squire. On the roll call vote, motion carried unanimously.
4. Discussion and appropriate action regarding the installation of a median opening on Ramsey Avenue for Ramsey Woods (3210 E. Ramsey Ave.). DPW Director Lange stated that a median opening was not placed in front of Ramsey Woods when it was built. This creates a problem with ambulance response at the facility. She stated the approximate cost is \$15,000 and road money will be used. **MOTION BY ALD. BARTOSHEVICH, SECOND BY ALD. MIKOLAJCZAK** to approve. On the roll call vote, motion carried unanimously.
5. Discussion and appropriate action regarding conditional award of the ADA bathroom improvement project. It was the recommendation of DPW Director Lange to conditionally award the ADA Bathroom Renovations to KCMS, LLC in the amount of \$79,687 with an \$11,000 contingency on the condition that the contract and contractor is approved by Milwaukee County. **MOTION BY ALD. SCHISSEL, SECOND BY ALD. BARTOSHEVICH** to approve pending approval by Milwaukee County. On the roll call vote, Alderpersons Mikolajczak, Schissel, Otto and Bartoshevich voted "aye". Alderpersons Litkowiec voted "no". Motion carried.
6. Discussion and appropriate action regarding CDA Recommendation 2010-07-27-01 recommending to the Common Council the proposed Development Agreement between the City/CDA and Joe's "K" Ranch, LLC. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. LITKOWIEC** to approve. On the roll call vote, motion carried unanimously.
7. Discussion and appropriate action regarding CDA Recommendation 2010-07-27-02 recommending to the Common Council the proposed First Amendment to development Agreement between the City/CDA and Cobalt Partners, LLC. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. LITKOWIEC** to approve. On the roll call vote, motion carried unanimously.
8. Discussion and appropriate action regarding CDA Recommendation 2010-07-27-03 recommending to the Common Council the Welcome Wagon application of Lavern Dietzel for property located at 4770 S. Packard Ave. **MOTION BY ALD. LITKOWIEC, SECOND BY ALD. MIKOLAJCZAK** to approve. On the roll call vote, Alderpersons

Mikolajczak, Schissel, Otto and Litkowiec voted "aye". Alderperson Bartoshevich voted "no". Motion carried.

9. Discussion and appropriate action regarding CDA Recommendation 2010-07-27-04 recommending to the Common Council that services of Ayres Associates be retained for purposes of pursuing potential grants. **MOTION BY ALD. BARTOSHEVICH, SECOND BY ALD. MIKOLAJCZAK** to approve. On the roll call vote, motion carried unanimously.

ORDINANCES

1. Discussion and appropriate action regarding Ordinance Amending City of Cudahy Code of Ordinances Section 17.0504.H.(9) Pertaining to Uses Not Permitted as an Accessory Use in Any Residential District. **MOTION BY ALD. SCHISSEL, SECOND BY ALD. LITKOWIEC** to lay this item over for public hearing. Motion carried unanimously.
2. Discussion and appropriate action regarding Ordinance No. 2345 Creating Section 9.205 of the City of Cudahy Municipal Code Relating to the Statewide Smoking Ban in Compliance with 2009 Wisconsin Act 12. **MOTION BY ALD. LITKOWIEC, SECOND BY ALD. MIKOLAJCZAK** to adopt Ordinance No. 2345. On the roll call vote, motion carried unanimously.
3. Discussion and appropriate action regarding Ordinance No. 2346 to Adopt Wisconsin State Statutes 344.61-344.65 in its Entirety Pertaining to Mandatory Liability Insurance. **MOTION BY ALD. BARTOSHEVICH, SECOND BY ALD. MIKOLAJCZAK** to adopt Ordinance No. 2346. On the roll call vote, motion carried unanimously.

RESOLUTIONS

1. Discussion and appropriate action regarding Resolution No. 6625 entitled "A Resolution Approving Certified Survey Map in the Southwest One-Quarter (1/4) Section Thirty-Four (34), Township Six (6) North, Range Twenty-Two (22) East" (6101 S. Pennsylvania Ave/6120 S. Ace Industrial Drive" **MOTION BY ALD. LITKOWIEC, SECOND BY ALD. BARTOSHEVICH** to approve Resolution No. 6625. On the roll call vote, motion carried unanimously.
2. Discussion and appropriate action regarding Resolution No. 6626 entitled "A Resolution Approving Certified Survey Map in the Northeast One-Quarter (1/4) Section Twenty-Six (26), Township Six (6) North, Range Twenty-Two (22) East (3759 E. Holmes Ave.). **MOTION BY ALD. BARTOSHEVICH, SECOND BY ALD. LITKOWIEC** to approve Resolution No. 6626. On the roll call vote, motion carried unanimously.
3. Discussion and appropriate action regarding Resolution No. 6624 entitled "A Resolution To Approve the Neighborhood Stabilization Program (NSP) Contract Between the City of Milwaukee and the City of Cudahy" **MOTION BY ALD. LITKOWIEC, SECOND BY ALD. SCHISSEL** to approve Resolution No. 6624. On the roll call vote, motion carried unanimously.

DEPARTMENT HEAD UPDATES

Director of DPW Lange gave an update regarding Emerald Ash Borer and a summary of storm damage encountered during the July 22, 2010 rain event.

LICENSES & PERMITS

Permanent Extension of Class B Combination Liquor License Premises

1. Discussion and necessary action regarding request of City of Robert Larson owner of Sparky's located at 5244 S. Packard Avenue for permanent extension of liquor license

premises. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH** to approve. Motion carried unanimously.

Picnic License

1. Discussion and necessary action regarding request of South Shore YMCA for Class B picnic license for September 25, 2010 fund raiser at 3244 E. College Avenue. **MOTION BY ALD. BARTOSHEVICH, SECOND BY ALD. MIKOLAJCZAK** to approve. On the roll call vote, motion carried unanimously.

Peddler License

1. Discussion and necessary action regarding request of Brett Langford of 6100 W. State St., Milwaukee for door to door sales of residential security systems. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH** to approve pending background check. On the roll call vote, motion carried unanimously.
2. Discussion and necessary action regarding request of Justin Cullimore of Walnut Creek, CA for door to door sales of residential security systems. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH** to approve pending background check. On the roll call vote, motion carried unanimously.
3. Discussion and necessary action regarding request of Cynthia Kreier of 4031 E. Allerton for license to sell from Hot Dog Cart and for a waiver of the license fee due to hardship. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. LITKOWIEC** to approve peddler license without waiving of fee. Motion carried unanimously.

Permit Fee Waiver

1. Discussion and necessary action regarding request of Cudahy Lions for permit fee waiver for temporary tents at Lion's Fest. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. LITKOWIEC** to approve. Motion carried unanimously.

Hearing from Cudahy residents who wish to speak on any subject.

Jerry Wenglewski of 3717 E. Carpenter Ave. spoke regarding state of train crossing on Ramsey Avenue.

Tom Schmidt of 3954 E. Birchwood Ave. spoke regarding illegal sump pump connections, MMSD, how great downtown is looking with the façade program and National Night Out.

Mike Hierl 3769 E. Adams spoke regarding high taxes and sidewalk bill.

Walter Zastrow of 4557 S. Packard Avenue spoke regarding the sidewalk replacement.

Dan Stanislawski of 4590 S. Nicholson spoke regarding bike race, Packard Hall and underground tanks.

ADJOURN

MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. BARTOSHEVICH to adjourn at 8:45 P.M. Motion carried unanimously.

Passed and approved this 7th day of September, 2010.

Anthony Day, Mayor

ATTEST: Dennis Broderick, Clerk/Treasurer